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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>211</i>
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*1 7/71*

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UNCLASSIFIED

EXAMINER
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ART UNIT	PAPER NUMBER <i>5</i>
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*1 7/71*  
DATE MAILED:

*06/12/71*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/24/450

Applicant(s)

Ruid et al.

Examiner

John Guarnicelli

Group Art Unit

1791

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 5/14/2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10, 29-35 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10, 29-35 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

15. The Examiner acknowledges paper # 4 of 5/14/2001 amendment.
16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Election/Restriction***

17. The Examiner acknowledges the affirmation of the Restriction requirement without traverse, Group I, claims 1-10, 29 are elected. Group II, claims 11-23, and Group III, claims 24-28, are withdrawn as the non-elected claims. Restriction is made final for the reasons of record.

#### ***Claim Rejections - 35 USC § 112***

18. Claims 1-10, 29, 30-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what is encompassed by "cured liquid". The term "liquid" appears to be incomplete since this can refer to a resin, crystal, inorganic material, organic material or any combination thereof. There is no

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specificity as to "liquid" what? Claim appears to be broader than the disclosure.

In claim 1, line 4, it is not clear what encompasses the phrase "less than the thickness". This can mean the "thickness" of the cover layer, or the thickness of the body layer, or the thickness of other layers in **between** these layers, or the thickness of the whole combination of layers.

In claim 29, line 4, it is not clear what is encompassed by the phrase "liquid capable of curing" since this appears to be different than the phrase "cured liquid" as stated in claim 1.

In claim 30, it is not clear what is encompassed by the phrase "face of the body layer and a cover layer" since there can be more than one face to the body layer and the cover layer.

In claim 32, it is not clear what is encompassed by the phrase "a mixture thereof", since there is little or no specificity of: how much "metal foil" or "organic film" or "paper" is required, kind of metal foil or organic film or paper material is required, how much thickness of metal foil or

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organic film or paper is required or which combinations of materials have which combinations of amounts or thicknesses.

In claim 34, it is not clear what is encompassed by the phrase "outer layer on a face", since face implies at least two surfaces of a face and the specificity of which "face" aspect is required.

In claim 35, it is not clear what the phrase "is flexible" encompasses since this is a term of relative degree, and there are more than one layer which does not necessarily mean all layers are flexible, and the specificity of the "flexibility" is not specified since some layers could be more "flexible" than other layers or the whole composite.

***Claim Rejections - 35 USC § 103***

19. Claims 1-10, 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goppel et al. 3,915,783.

Goppel describes a liquid resin crosslinked (like cured liquid) which is applied to an open cell sheet (similar to a body layer like a roughly textured

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face), (column 3, lines 29-64). Goppel describes a fibrous reinforcing layer (like glass or fabric), (column 3, lines 56-68). Goppel describes resin impregnating the foam sheet (body layer) with resin and a reinforcing layer (like a non-woven net or scrim), (column 4, lines 1-46). Goppel differs from the claimed invention because it does not state uniform thickness.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the liquid crosslinked resin for the cured liquid impregnating the open cell sheet together with the reinforcing layer for the body layer and cover layer motivated with the expectation that the uniform thickness of claimed invention is a mere change in size of a component and a change in size is generally recognized as being within the level of ordinary skill in the art, In re Rose, **105 USPQ 237 (CCPA 1955)**.

20. Claims 1-10, 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chant 3,867,221.

Chant describes impregnating sheets of an open-cell structure (like rough textured face of the body layer) with a curable thermosetting resin, (like

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cured liquid), (column 1, lines 40-65). Chant describes the resin distributed uniformly throughout the two fiberglass layers and a reinforcing layer (like the scrim or non-woven material), (column 1, lines 65-68; column 2, lines 1-47). Chant differs from the claimed invention because it is silent about the uniform thickness being applied.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the thermosetting resin on the body layer (open cell structure) of Chant motivated with the expectation that since the general conditions of the claimed invention are disclosed in Chant, discovering the optimum level of thickness involves only routine skill in this art, *In re Aller*, 105 USPQ 233.

21. Applicant's arguments regarding the rejections of record have been considered but are not germane to the new grounds of rejection.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John J. Guarriello:gj

Patent Examiner

July 20, 2001

ELIZABETH M. COLE  
PRIMARY EXAMINER

